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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
3:17mj 509

APPLICATION OF THE UNITED STATES OF)
AMERICA FOR AN ORDER AUTHORIZING) CASE NO. 3:17mj 509
THE INSTALLATION AND USE OF A PEN)
REGISTER, TRAP AND TRACE DEVICE ON) FILED UNDER SEAL
THE WHATSAPP, INC. ACCOUNTS 52-)
6561680875 and 52-6142904320)
_____)

ORDER

Dominick S. Gerace, on behalf of the United States, has submitted an application pursuant to 18 U.S.C. §§ 3122 and 3123, requesting that the Court issue an Order authorizing the installation and use of pen registers and trap and trace devices (“pen-trap devices”) to record, decode, and/or capture dialing, routing, addressing, and signaling information associated with each communication to or from the WhatsApp, Inc. (“WhatsApp”) accounts 52-6561680875, (herein referred to as SUBJECT ACCOUNT 1) and 52-6142904320 (herein referred to as SUBJECT ACCOUNT 2), with subscribers unknown.

The Court finds that an attorney for the government has submitted the application and has certified that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation being conducted by the Drug Enforcement Administration (“DEA”) for possible violations by Ricardo Duarte and others, of 21 U.S.C. § 841 and 846.

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 3123, that the DEA may install and use pen-trap devices to record, decode, and/or capture dialing, routing, addressing, and signaling information associated with each communication to or from SUBJECT ACCOUNT 1 and SUBJECT ACCOUNT 2, including the date, time, and duration of the communication, without geographic limit.

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(c)(1), that the use and installation of the foregoing is authorized for sixty days from the date of this Order;

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. §§ 3123(b)(2) and 3124(a)-(b), that WhatsApp and any other person or entity providing wire or electronic communication service in the United States whose assistance may, pursuant to 18 U.S.C. § 3123(a), facilitate the execution of this Order shall, upon service of this Order, furnish information, facilities, and technical assistance necessary to install the pen-trap devices, including installation and operation of the pen-trap devices unobtrusively and with minimum disruption of normal service;

IT IS FURTHER ORDERED that the DEA reasonably compensate WhatsApp and any other person or entity whose assistance facilitates execution of this Order for reasonable expenses incurred in complying with this Order;

IT IS FURTHER ORDERED that WhatsApp and any other person or entity whose assistance may facilitate execution of this Order notify the applicant and the DEA of any changes relating to SUBJECT ACCOUNT 1 and/or SUBJECT ACCOUNT 2, including changes to subscriber information, and to provide prior notice to the DEA before terminating or changing service to SUBJECT ACCOUNT 1 and/or SUBJECT ACCOUNT 2;

IT IS FURTHER ORDERED that the DEA and the applicant have access to the information collected by the pen-trap devices as soon as practicable, twenty-four hours per day, or at such other times as may be acceptable to the DEA, for the duration of the Order;

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(d)(2), that WhatsApp and any other person or entity whose assistance facilitates execution of this Order, and their agents and employees, shall not disclose in any manner, directly or indirectly, by any action or inaction, the existence of the application and this Order, the pen-trap devices, or the investigation to any

person, unless and until otherwise ordered by the Court, except that WhatsApp may disclose this Order to an attorney for WhatsApp for the purpose of receiving legal advice;

IT IS FURTHER ORDERED that the Clerk of the Court shall provide the United States Attorney's Office with three certified copies of this application and Order, and shall provide copies of this Order to the DEA and WhatsApp upon request;

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court, pursuant to 18 U.S.C. § 3123(d)(1).

Date

10/27/17



MICHAEL J. NEWMAN
United States Magistrate Judge